

## **J-1 Visa Waiver Program FAQ's**

**1. What is the J-1 Visa Waiver Program?**

Federal Law requires that foreign physicians seeking to enter the United States (U.S.) in order to pursue graduate medical education obtain a J-1 Exchange Visitor Visa. Upon completion of his or her studies, the Foreign Medical Graduate (FMG) must return to his or her home country for at least two years before he or she can return to the U.S. FMGs subject to the two-year home country residence requirement may apply for a waiver of that requirement with a recommendation from a state health department. The J-1 Waiver, established in Federal Fiscal Year 1995, allowed each state to recommend up to 20 FMGs per year who train in the U.S. to remain in this country in exchange for working in a designated underserved area for three years. In 2003, the Federal government amended the legislation to increase the total to 30 FMGs per year.

**2. What are the California J-1 Visa Waiver program requirements based on, and where can I find these criteria?**

The California Department of Health Services (CDHS) operates the J-1 Visa Waiver Program under the guidelines and requirements outlined by the Federal State Department in 22 CFR 41.63. The Primary and Rural Health Care Systems Branch (PRHCSB) administers the program for CDHS. California requirements are located at: <http://www.prh.dhs.ca.gov/Programs/CalSORH/J1Visa.htm>. This link includes a summary of the program, eligibility requirements, and a J-1 Visa Waiver application checklist for potential applicants to use as a guide in preparing their application.

**3. Is there a deadline for submitting J-1 Visa Waiver applications for recommendation?**

The Federal J-1 Visa Waiver application period runs from October 1 – September 30 of each year. California's J-1 Visa Waiver program begins accepting J-1 Visa Waiver applications for recommendation no sooner than October 1 of each year. PRHCSB accepts applications on a first come – first served basis (based on post-mark date) until PRHCSB makes all 30 allowable recommendations or the new application year has begun (whichever comes first).

**4. What happens if I submit my application after PRHCSB has made all 30 recommendations?**

Historically, PRHCSB receives applications for all 30 recommendations several months prior to the next year's application cycle. Therefore, PRHCSB recommends that all applicants submit their applications early in the application cycle. PRHCSB advises potential applicants to contact California's J-1 Visa Waiver program coordinator to find out if there are any available recommendations prior to submission. If PRHCSB receives an application after all 30 recommendations are made to the Federal State Department, then PRHCSB returns the application. The PRHCSB does NOT hold applications for the next year's application cycle. The applicant must resubmit an application after October 1 of the following year's cycle.

5. I have heard that the Federal government allows up to five recommendations per state be used for specialist physicians. I am a specialist physician. Can I apply for a J-1 Visa Waiver recommendation in California?

Public Law (PL) 108-441 of the United States 108<sup>th</sup> Congress, December 3, 2004, allows states the *option* to consider substituting up to five of the 30 slots with licensed and contracted specialist physicians and/or waive the requirement of service in a designated area for either primary care or specialist foreign physicians.

To date, California's participation in the J-1 Visa Waiver program remains limited to the recommendation of primary care physicians in federally designated underserved areas. (Primary care providers are physicians practicing internal medicine, pediatrics, OB/GYN, psychiatry, or family medicine, as defined by Federal guidelines.) This policy addresses the statewide shortage of primary care physicians. Currently, only one-third of all physicians in California are primary care physicians and there are 376 federally designated shortage areas throughout the State. There remains a critical need for primary care physicians. Consequently, CDHS has concluded that recommending placement of primary care physicians in designated underserved areas serves the needs of the people of California.

6. I am trained and licensed to provide care in a specialty field. Does this preclude me from working as a primary care physician and applying for a J-1 Visa Waiver recommendation?

While the California J-1 Visa Waiver program does not accept J-1 Visa Waiver applications for a physician to practice specialty medicine, having specialty training does not preclude a physician from working as a primary care physician and applying to the J-1 Visa Waiver program. CDHS requires, in accordance with Federal guidelines, that the physician's contract require a minimum of 40 hours of primary care services per week, for no less than 3 years, as a primary care provider. (Primary care providers are physicians practicing internal medicine, pediatrics, OB/GYN, psychiatry, or family medicine, as defined by Federal guidelines.)

7. How do I know if the practice site where I want to work is located in an underserved area?

First, find the exact census tract where the clinic is located. Go to:

[http://factfinder.census.gov/servlet/AGSGeoAddressServlet?\\_lang=en&\\_programYear=50&\\_treeld=420](http://factfinder.census.gov/servlet/AGSGeoAddressServlet?_lang=en&_programYear=50&_treeld=420)

Second, log in to one of the following sites:

<http://bphc.hrsa.gov/databases/newmua/> or <http://hpsafind.hrsa.gov/>

Search for the exact census tract number by county. The clinic is located in a federally designated underserved area if the number matches.

8. What if the practice site where I want to work is NOT located in an underserved area? Will you still accept my application?

No. As previously stated in question #5, California limits participation in the J-1 Visa Waiver program to the recommendation of primary care physicians in federally designated underserved areas. If an application is submitted and through PRHCSB's review it is

determined that the service area is outside a federally designated underserved area, PRHCSB returns the application to the applicant. It is not considered for recommendation.

9. I am an employer seeking to hire a J-1 physician. What is required of me and what are my responsibilities to the State of California?

In accordance with the Federal Regulations, California requires potential J-1 Visa Waiver applicant employers to provide an employment contract between the employer and the J-1 Visa Waiver applicant for a term of no less than 3 years, providing primary care services as primary care provider, for a minimum of 40 hours per week. Additionally, the employer must offer the J-1 Visa Wavier applicant employee a salary comparable to that of other similarly trained physicians in the clinic's geographic area. PRHCSB verifies the contracted salary via the U.S. Department of Labor's website:  
<http://www.flcdatcenter.com/OesWizardStart.aspx>.

10. Can the State of California help me find a job at a qualifying practice site before I apply for a J-1 Visa Waiver recommendation?

California's J-1 waiver process does not include job placement. PRHCSB processes the applications for recommendation once a physician has identified an employer, obtained a contract, and obtained a case file number via the Federal State Department's process (See: [http://travel.state.gov/visa/temp/info/info\\_1296.html](http://travel.state.gov/visa/temp/info/info_1296.html) for more details.).

Other physicians have found the following websites useful in their search for employment:  
[www.oshpd.ca.gov/](http://www.oshpd.ca.gov/)  
[www.cPCA.org/resources/job\\_bank/](http://www.cPCA.org/resources/job_bank/)  
[www.ruralhealth.ca.gov/jobsavailable.htm](http://www.ruralhealth.ca.gov/jobsavailable.htm)  
[www.3rnet.org/](http://www.3rnet.org/)  
[www.hcrc.net](http://www.hcrc.net)

11. I received a J-1 Visa Waiver and am now applying for a National Interest Wavier (NIW) with the Federal Government. As part of the Federal NIW application, I am required to provide a support letter from the State of California stating that I am in fact working in an underserved area and that continuing to practice in that area is in the best interest of the State of California. Can your office provide this letter for me? If so, what information do you need from me to provide the NIW support letter?

PRHCSB does provide NIW support letters. Applicants must provide the following information via a written request:

1. Name of physician
2. Name and address of Corporation/Clinic where employed
3. Copy of employment contract

PRHCSB uses this information to verify that the physician is practicing in an underserved area. Once verified, PRHCSB issues a letter of support to the applicant or the applicant's attorney to include in their NIW application.